

APPLICANT: SILBERSTEIN, Assaf  
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## REMARKS

Applicant respectfully requests reconsideration of the above-identified Application in view of the foregoing remarks.

### Status of Claims

Claims 17-46 are pending. No claims are being amended in this paper.

### Examiner Remarks

#### Limitations Regarding Customers Owing Money

In the December 23, 2009 Advisory Action, on the last page, the Examiner stated that the Examiner disagreed with Applicant's arguments that Wayne, U.S. Pat. 5,006,973, does not teach or suggest the claim 17 limitation of "at a central server for the enterprise ... if, based on customer identification information, a database indicates a customer owes money to the enterprise, directing the customer to a specific queue." (Claim 22 includes different elements which, for the purpose of this argument, are discussed with the claim 17 limitation).

The Examiner asserts that it would have been obvious to have a customer who owes money to be placed in a specific queue, and that it is common in the customer service field to have customers divided by service type, giving as an example of service type being payment of account balance.

Applicant disagrees. The Examiner does not specify if the functionality the Examiner alleges to be in the prior art is performed by a person or an automated system. Applicant assumes, for the sake of this argument, the Examiner is alleging that this functionality is performed by a person.

Applicant's claim 17 includes "at a central server for the enterprise ... if, based on customer identification information, a database indicates a customer owes money to the enterprise, directing the customer to a specific queue." (emphasis added) The method automatically, based on identification entered by multiple customers "at an automated receptionist", "automatically [calls] customer[s]", "provid[es] customer wait information to a plurality of customers for each of a plurality of queues," and in addition directs customer to a queue based on database information indicating the customer owes money. Managing this

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complex set of tasks, including managing multiple customers and multiple queues, is not an easy task to perform by a person. Automating these tasks into one system is complex, and was not obvious to one skilled in the art at the time of the filing of the present Application. Such a combination has strong benefits.

In addition, the Examiner seems to be equating a directing a customer to a bill paying queue with “if, based on customer identification information, a database indicates a customer owes money to the enterprise, directing the customer to a specific queue.” Applicants dispute this, as the Examiner does not specify on what the division by service type (discussed in the Advisory Action) is based. Applicants claim automatically directing a customer to a certain queue “if, based on customer identification information, a database indicates a customer owes money to the enterprise.”

Assuming for the sake of argument that it is common in the customer service field to have customers divided by service type and this would allow someone to conclude it is obvious to direct customers owing money to a certain queue (which Applicant disputes), this previously manual process could not anticipate or make obvious the automatic process discussed in Applicant’s claim 17. The outcome of manually directing a person to a bill-paying queue cannot anticipate, suggest or make obvious the method of a database indicating, based on customer information, a customer owing money, and then directing a customer to a queue.

Furthermore, no queue-management system, and no queue-management reference cited by the Examiner, teaches or suggests including the functionality of directing a customer to a certain queue based on a customer owing money.

#### Functional Descriptive Material

In the December 23, 2009 Advisory Action, the Examiner asserts that “the wait information being a list of waiting customers is considered non-function [sic] descriptive material. The information being a list of waiting customers does not change function of the claimed invention.”

The Examiner is incorrect that the information being a list of waiting customers does not change the function of the claimed invention, because part of the function of the claimed invention is to provide such a list, information not otherwise available to a customer. This list is useful to a waiting customer, and is not used in the prior art.

Applicant's claim element of "the list of waiting customers" is not claimed by itself, but rather is used to limit a method or the method of operation of a device.

The wait information, and the list of waiting customers, in Applicant's currently pending claims, are the result of a process including "at an automated receptionist, accepting identification information from a plurality of customers waiting in multiple queues" and "interacting with a plurality of agents each providing service to a customer." The wait information is the useful output of a process, and is functionally tied to the process.

Furthermore, the relevant limitation of claim 17 is not the wait information itself, but rather "providing customer wait information." The wait information does not exist before created by the process, and is therefore not "descriptive material" in the sense of "functional descriptive material." The "providing" of this information is a limitation which clearly is not "descriptive material." Whether or not information displayed, printed or stored is functional or non-functional descriptive material typically arises in the context of information that is printed on a substrate or stored within the substrate – information that is stored prior to the method taking place, rather than information produced by the method. (E.g., *Ex Parte Nehls*, BPAI 2008, 2008 Pat. App. LEXIS 5, at 6, nucleotides stored in a database non-functional descriptive material; *Bloomstein v. Paramount*, 1998 U.S. Dist. LEXIS 20839, (N.D. Cal., 1998), where a movie produced according to a process was non-functional descriptive material, but the court suggests the process itself, if claimed may be patentable subject matter) .

Per the Manual of Patent Examination and Procedure ("MPEP") § 2106.01, functional descriptive material includes data which imparts functionality when employed. A customer identification, for example, or customer wait information, imparts functionality, and is not a "mere arrangement of data." MPEP § 2106.01. Furthermore, the data discussed above are not mere data structures, but are, for example, inputs and outputs of a useful process. A

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claim that requires “a functional interrelationship among [] data and the computing processes performed when utilizing that data” is statutory subject matter. MPEP § 2106.01.II.

#### The Limitation of “The Wait Information Comprising A List of Waiting Customers”

As discussed above, the limitation of “the wait information comprising a list of waiting customers” is not non-functional descriptive material.

In the December 23, 2009 Advisory Action, the Examiner does not assert that any prior art reference includes this limitation, and Applicant asserts that no prior art reference cited includes this limitation.

Neither Wayne nor any other reference provided by the Examiner discloses a list of waiting customers. Providing a test page that includes the expected wait time for a customer, as in Wayne, does not equate to providing a list of waiting customers. One individual, having wait time information pertaining to that customer, cannot produce a list of waiting customer, because this requires information on other customers, which is not provided by wait time information pertaining to one customer only.

#### The Limitation of “Marking a Customer as Abandoned”

In the December 23, 2009 Advisory Action, the Examiner equates the status as discussed in Wayne with an abandoned status, and asserts that Wayne teaches “marking a customer as abandoned, and placing via the agent workstation a customer marked abandoned in a queue to wait to meet with an agent.”

Applicant’s specification as filed defines “abandoned” as “[a]bandoned 410 is QMS terminology for a customer tired of waiting in line and leaving before getting service.” (Applicant’s Published Application, paragraph [70]). This is consistent with the plain meaning of the term. In paragraph [99] of Applicant’s Published Application “marking a customer as abandoned, and placing via the agent workstation a customer marked abandoned in a queue to wait to meet with an agent” means taking a customer who has abandoned a queue and allowing the customer to re-enter a queue.

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The section of Wayne to which the Examiner cites (col. 11, line 66 to col. 12, line 68) discloses placing a customer in a queue based in part on a status of “shopping”, “waiting” or “angry.” None of these statuses are equivalent to “abandoned.” Further, the “status” of Wayne is a different type of status as used in the limitation of “marking a customer as abandoned.” The status of Wayne relates to the customer’s state. None of these statuses relate to a queue. In the present Application the status of “abandoned” describes a customer’s status with respect to a queue.

Neither the cited section of Wayne nor any other section of Wayne discloses a customer who abandons or leaves a queue. Neither this section nor any other section of Wayne discloses re-queuing a customer who has abandoned or leaves a queue.

#### The Limitation of “Placing the Customer on Hold”

In the December 23, 2009 Advisory Action, the Examiner equates Wayne’s description of a customer actively waiting in a queue (col. 7, line 59-col. 9, line 54) with an abandoned status, and asserts that Wayne teaches “transferring a customer into a queue and placing the customer on hold, the customer to be called back at a later time.”

The Examiner asserts that being “held” in a queue is equivalent to being placed on hold. This is contrary to the common meaning of “being placed on hold” and is also contrary to the meaning of that term as defined by Applicant’s Published Application. The common meaning of putting a waiting customer on hold is to delay the customer’s advancement in line or other progress. Paragraph [74] of Applicant’s Published Application describes “hold” by stating “[f]reeze allows agents to put a customer on hold, to be automatically called back to service after a preset time, as is necessary in healthcare where a customer may be asked to lie down for an hour, and other services.” Thus “hold” cannot be equivalent to the normal advancement of a customer in a queue, as described in the sections of Wayne cited to by the Examiner.

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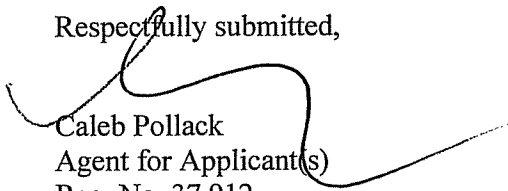
### Conclusion

In view of the foregoing remarks, and for at least the reasons discussed above, Applicant respectfully submits that the pending claims are allowable. Their favorable reconsideration and allowance are respectfully requested.

Should the Examiner have any questions or comments as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

The fees for the RCE and petition for extension of time are being paid separately. No other fees are believed to be due associated with this paper; however, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,



Caleb Pollack  
Agent for Applicant(s)  
Reg. No. 37,912

Dated: January 21, 2009

Pearl Cohen Zedek Latzer, LLP.  
1500 Broadway, 12th Floor  
New York, NY 10036  
Phone: (646) 878-0800  
Fax: (646) 878-0801